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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,533	12/28/2000	Robert Adams	042390.P9895	6958
7590 12/12/2007				
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		EXAMINER		
		BLAIR, DOUGLAS B		
		ART UNIT		PAPER NUMBER
		2142		
		MAIL DATE		DELIVERY MODE
		12/12/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 09/750,533	Applicant(s) ADAMS ET AL.	
	Examiner Douglas B. Blair	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-16,18,20,21,24,25 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 4, 19, 22-23, and 26-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-10, 12-16, and 18-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1, 7, and 16 are objected to because of the following informalities: the amended "plurality of user" should be "plurality of users". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-10, 11-15, and 24-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-10, 11-15, and 24-25 are directed towards a social network comprised of a social network monitor and a social network access

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controller. The social network monitor is disclosed by the applicant as being software in paragraph 12 of the applicant's specification and the social network access controller is disclosed as being software in paragraph 14 of the applicant's specification. Since the claimed social network is comprised entirely of software it is viewed as software per se. Software per se does not fall into a statutory category of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-10, 12, 14-16, 18, 20-21, and 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,484,197 to Donohue.

Donohue teaches the invention (as claimed in exemplary claim 16) including a communications system, comprising: a computer-readable medium; and computer-readable program code, stored on the computer-readable medium, adapted to be loaded and executed on the communications system, the computer-readable code performing, monitoring communications between a plurality of users and a user having a shared resource (col. 2, lines 10-41, the sender is the user having the shared resource, the in-folder is the shared resource, and the receivers are the plurality of users), determining social network data from the communications between each of the plurality of users and the user having the shared resource

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wherein the social network data is based on varying degrees of interactions between each of the plurality of users and the user having the shared resource, wherein the communication includes communicating via emails between each of the plurality of users having the shared resources, wherein the emails are identified and counted (col. 2, lines 10-41, the second form of the token identifies and counts emails), determining an access level for each of the plurality users based on the social network data including the identified and counted emails (col. 2, lines 10-41), and configuring an access control list to provide each of the plurality of users the access level determined for accessing the shared resource (col. 2, lines 10-41).

Donohue teaches a communications system (as in claim 18) wherein the social network data includes identities of the various users (col. 5, lines 45-59).

Donohue teaches a communications system (as in claim 20) wherein the access control list includes a user identification and the access level for the user (col. 5, lines 45-59).

Donohue teaches a communications system (as in claim 21) wherein the resource is a computer system (an in-folder is considered a "computer system").

Donohue teaches a communication system (as in claim 29) that continuously updates the access control list to add and remove entries or to change access leaves as users transition in and out of a social network as communications between the users change (col. 4, lines 65-67).

Donohue teaches a method (as in claim 30) wherein the communications comprise one or more of emails, instant messages, file transfers, commands sent from one computer system to another, and any other types of communications performed between the plurality of users and the user having the shared resource (col. 2, lines 10-41).

Donohue teaches a method (as in claim 31) wherein determining social network data comprises: identifying communications from the user having the shared resource to each of the plurality of users (col. 2, lines 10-41); identifying communications from each of the plurality of users to the user having the shared resource (col. 2, lines 10-41); and tallying each identified communication for each of the plurality of users (col. 2, lines 10-41).

As to claim 32, Donohue teaches a method wherein determining an access level comprises: obtaining a total number of communications with the user having the shared resource for each of the plurality of users based on the social network data (col. 2, lines 10-41); comparing the total number of communications for each of the plurality of users to an access level table to obtain the access level, the access level table comprising a plurality of access levels based on the that number of communications (col. 2, lines 10-41); and assigning an access level to each of the plurality of users (col. 2, lines 10-41).

As to claims 1, 3 and 5-6, they feature the same limitations as claims 16, 18 and 20-21 and are rejected for the same reasons as claims 16, 18 and 20-21.

As to claims 7, 12, and 14-15, they feature the same limitations as claims 16-18 and 20-21 and are rejected for the same reasons as claims 16-18 and 20-21.

As to claim 28, it is rejected for the same reason as claim 29.

As to claim 8, Donohue teaches a social network including a shared resource provider to provide to each of the plurality users access to the shared resource based on the access control list (col. 5, lines 45-59).

As to claim 9, Donohue teaches a social network wherein the social network monitor and the social network access controller reside on a single system (the sender's computer).

As to claim 10, Donohue teaches a social network wherein the social network monitor and the social network access controller reside on separate systems (the separate software algorithms carrying out each function).

Allowable Subject Matter

Claims 4, 19, 22-23, 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13, 24, and 25 are would have been objected to had they been directed towards statutory subject matter.

The following is a statement of reasons for the indication of allowable subject matter: Claims 4, 13, and 19 are directed towards specific access levels not taught or suggested by Donohue and not found in the prior art in the context of the applicant's independent claims. Claims 22-27 are directed towards a method of monitoring the frequency of keywords found in an email communication and granting an access based on the number of occurrences of a particular keyword. The prior art was not found to disclose such a feature in the context to the applicant's independent claims.

Recommended Claim Amendment

The Examiner also points out that if the applicant were to amend the claims to specifically show *how* an access level is determined based on the social network data including the identified and counted emails, then such an amendment would overcome the Donohue reference.

Conclusion

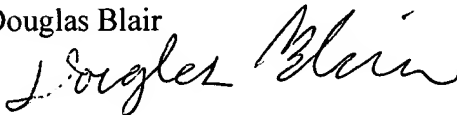
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893.

The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

A handwritten signature in cursive script that reads "Douglas Blair". The signature is written in black ink and is positioned below the printed name "Douglas Blair".